

REMARKS

Applicants submit this Request for Reconsideration and Request for Continued Examination (RCE) in response to the Final Office Action mailed December 21, 2006, and the Advisory Action mailed April 9, 2007.

In the Final Office Action¹, the Examiner rejected claims 21, 23, 33, 35, 38, 39, 41, and 42 under 35 U.S.C. § 103(a) as being unpatentable over Shimizu et al. (U.S. Patent Application Publication No. 2002/0075443, hereafter "Shimizu") in view of Sawasaki et al. (U.S. Patent Application Publication No. 2001/0026347, hereafter "Sawasaki"); and rejected claims 22, 24, 34, and 36 under 35 U.S.C. § 103(a) as being unpatentable over Shimizu and Sawasaki in view of Miyachi et al. (U.S. Patent No. 6,211,937, hereafter "Miyachi").

In the Advisory Action, the Examiner maintained the rejections under 35 U.S.C. § 103(a).

Claims 21-24, 27-36, 38, 39, 41, and 42 remain pending, with claims 21 and 33 being independent, and claims 27-32 withdrawn from consideration.

Applicant respectfully traverses the rejection of claims 21, 23, 33, 35, 38, 39, 41, and 42 under 35 U.S.C. § 103(a) as being unpatentable over Shimizu in view of Sawasaki.

In the Final Office Action, the Examiner acknowledged that "Shimizu et al. failed to disclose . . . that the first and second protrusions are made of a first material and the

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action

third protrusions are made of a second material, the first material being harder than the second material.” (Final Office Action at page 4). However, the Examiner cited Sawasaki to provide the claim features missing from Shimizu. In the Request for Reconsideration filed March 16, 2007, Applicant explained the deficiencies of Sawasaki and why it fails to disclose the claim features missing from Shimizu. In response, the Examiner issued an Advisory Action on April 19, 2007.

The Examiner asserted in the Advisory Action, “Sawasaki clearly show in Figure 48 that the first and second projections 247 are made of a different material as the third projections 246a (as can see from the different direction of the slashed lines, and more specifically in Paragraph 0276 wherein the third projections 246a is [sic] only made of the same material as element 246b, not the first and second projections 247),” (Advisory Action at page 2) (emphasis added). Applicant respectfully disagrees.

Applicant respectfully notes that the Examiner has relied on the shadings, or slashed lines, of Sawasaki’s drawings in rejecting Applicant’s claims. The Examiner’s reliance on the shadings of Sawasaki’s drawings, however, is inappropriate, because the direction of cross hatching does not necessarily indicate whether first and second projections 247, and third projections 246a are made of the same material or not, nor what their relative rigidities are. Indeed, as explained below, **Sawasaki explicitly discloses that elements 246a, 246b, and 247 are all formed of the same material.**

Sawasaki, in paragraphs [0286] and [0287], discloses, “the positive type novolak-based resist is coated on the common electrode 245 Then, the resist is exposed and developed such that the resist is left in a predetermined pattern (pattern of the projections 246a . . .) In this manner . . . , the projections 246a and the resin films

246b are formed.” Sawasaki, in paragraph [0288], further discloses, “ the positive type novolak-based resist is coated on the glass substrate 241 Then, the resist is exposed and developed to leave as a predetermined pattern In this way . . . , the resin films 247 are formed.” Accordingly, the same “positive type novolak-based resist” is used to form projections 246a, resin films 246b, and resin films 247. Therefore, contrary to the Examiner’s assertion, Sawasaki clearly discloses that all three of elements 246a, 246b, and 247 are formed of the same material.

Further, the Examiner asserted in the Advisory Action, “Sawasaki further teaches in Paragraphs 0227-0228 that the projections which come into contact with the other substrate are to act as rigid supports,” and “[t]herefore, Sawasaki clearly teaches that the first and second projections are made of a different and harder material than the third projections,” (Advisory Action at page 2) (emphasis added). This assertion, however, is incorrect.

Applicant submits that the Examiner’s reliance on paragraphs [0227] and [0228] of Sawasaki is misplaced. Paragraphs [0227] and [0228] of Sawasaki relate to the ninth embodiment, while Figure 48 which illustrates elements 246a, 246b, and 247, relates to the eleventh embodiment of Sawasaki. There is no teaching or suggestion in Sawasaki that the disclosures of the ninth embodiment should apply to features of the eleventh embodiment.

Further, the Examiner incorrectly concluded from paragraphs [0227] and [0228] of Sawasaki that they teach first and second protrusions that “act as rigid supports,” (Advisory Action at page 2). Instead, paragraph [0227] of Sawasaki states that under

compressive load “the spacers 225a are elastically deformed.” Accordingly, spacers 225a of Sawasaki are not “rigid” as asserted by the Examiner.

For the reasons set forth above, Shimizu and Sawasaki, taken either alone or in any reasonable combination, thus fail to teach or suggest, “the first and second protrusions are made of a first material and the third protrusions are made of a second material, the first material being harder than the second material,” as recited in independent claim 21. Claim 21 is therefore allowable. Independent claim 33, while of different scope than claim 21, recites allowable subject matter similar to that of claim 21. Accordingly, claim 33 is also allowable for the same reasons presented above. Claims 23, 35, 38, 39, 41, and 42 depend from one of claims 21 and 33, and are also allowable at least due to their dependence.

In view of the above, the rejection of claims 21, 23, 33, 35, 38, 39, 41, and 42 under 35 U.S.C. § 103(a) as being unpatentable over Shimizu in view of Sawasaki is improper and should be withdrawn.

Applicant respectfully traverses the rejection of claims 22, 24, 34, and 36 under 35 U.S.C. § 103(a) as being unpatentable over Shimizu and Sawasaki in view of Miyachi, because Shimizu, Sawasaki, and Miyachi, taken either alone or in any reasonable combination, fail to teach or suggest each and every element of claims 22, 24, 34, and 36.

As discussed above, Shimizu and Sawasaki fail to teach or suggest each and every element of independent claims 21 and 33. The Examiner cited Miyachi against claims 22 and 34 as allegedly teaching “protrusions . . . contacting the TFT devices,” Final Office Action at page 5. The Examiner further cited Miyachi against claims 24 and

36 as allegedly teaching "the distance between the second protrusion . . . is in the range of 1.0 μm to 2.0 μm ." (Final Office Action at page 6.) Even assuming the Examiner's characterization of Miyachi is correct, which Applicant does not concede, Miyachi still fails to cure the deficiencies of Shimizu and Sawasaki, discussed above. That is, Miyachi also fails to teach or suggest "the first and second protrusions are made of a first material and the third protrusions are made of a second material, the first material being harder than the second material," as recited in independent claims 21 and 33, and required by claims 22, 24, 34, and 36. Claims 22, 24, 34, and 36 are therefore allowable.

For this reason, the rejection of claims 22, 24, 34, and 36 under 35 U.S.C. §103(a) as being unpatentable over Shimizu and Sawasaki in view of Miyachi is improper and should be withdrawn.

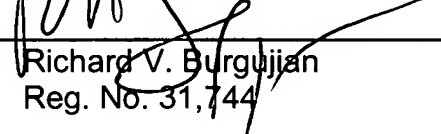
In view of the foregoing remarks, Applicant respectfully requests the Examiner's reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account 06-0916.

Respectfully submitted,

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